

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Ludovic Frebet et al., Plaintiff(s), : 1:20 CV 00481 (JPC)
-v- : **AMENDED**
L'Atre Enterprises, Inc. et al., Defendant(s), : **CIVIL CASE**
: **MANAGEMENT PLAN**
: **AND SCHEDULING**
: **ORDER**

This Civil Case Management Plan (the “Plan”) is submitted by the parties in accordance with Rule 26(f)(3) of the Federal Rules of Civil Procedure.

1. All parties [**consent** / **do not consent**] to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. Settlement discussions [**have** / **have not**] taken place.
3. The parties [**have** / **have not**] conferred pursuant to Rule 26(f) of the Federal Rules of Civil Procedure.
4. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court.
5. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than Completed days from the date of this Order. [*Absent exceptional circumstances, fourteen (14) days.*]
6. Fact Discovery
 - a. All fact discovery shall be completed no later than February 22, 2021. [*A period not to exceed 120 days, unless the Court finds that the case presents unique complexities or other exceptional circumstances.*]
 - b. Initial requests for production of documents shall be served by Completed.
 - c. Interrogatories shall be served by Completed.

- d. Depositions shall be completed by February 22, 2021.
 - (i) Absent an agreement between the parties or an order from the Court, depositions are not to be held until all parties have responded to initial requests for document production.
 - (ii) There is no priority in deposition by reason of a party's status as a plaintiff or a defendant.
 - (iii) Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.
- e. Requests to admit shall be served by January 22, 2021.
- f. Any of the deadlines in paragraphs 6(b) through 6(e) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 6(a).

7. Expert Discovery

- a. All expert discovery, including expert depositions, shall be completed no later than N/A. *[Absent exceptional circumstances, a date forty-five (45) days from the date in paragraph 6(a) (i.e., the completion of all fact discovery).]*
- b. Plaintiff's expert disclosures pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure shall be made on or before _____.
- c. Defendant's expert disclosures pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure shall be made on or before _____.
- d. The interim deadlines in paragraphs 7(b) and 7(c) may be extended by the written consent of all parties without application to the Court, provided that expert discovery is completed by the date set forth in paragraph 7(a).

- 8. All motions and applications shall be governed by the Court's Individual Practices for Civil Cases.
- 9. Any discovery disputes shall be addressed according to 5.C of the Court's Individual Rules and Practices for Civil Cases.
- 10. All discovery must be completed by February 22, 2021.
- 11. All counsel must meet in person to discuss settlement within fourteen (14) days following the close of fact discovery.
- 12. Unless otherwise ordered by the Court, a party seeking to file a post-discovery motion shall file a pre-motion letter within fourteen (14) days of the close of all discovery. Pursuant to 6.A of the Court's Individual Rules and Practices for Civil Cases, responses to pre-motion letters are to be submitted within three business days from submission of the initial pre-motion letter.

13. Within thirty (30) days after the close of discovery or, if a dispositive motion has been filed, within thirty (30) days of a decision on such motion, the parties shall submit a Joint Pretrial Order prepared in accordance with Rule 26(a)(3) of the Federal Rules of Civil Procedure and 7.B of the Court's Individual Rules and Practices in Civil Cases. The parties shall follow the Court's Individuals Rules and Practices in Civil Cases for any submissions that must be made at the time of the Joint Pretrial Order, including any motions *in limine*.
14. In accordance with 7.C of the Court's Individual Rules and Practices in Civil Cases, counsel are required to meet and confer on a joint submission of proposed *voir dire* questions, jury instructions, and verdict form, noting any points of disagreement in the joint submission. Jury instructions may not be submitted after the Joint Pretrial Order due date, unless they meet the standard of Rule 51(a)(2)(A) of the Federal Rules of Civil Procedure. If this action is to be tried to the Court, proposed findings of fact and conclusions of law should be submitted on the Joint Pretrial Order due date in accordance with 7.D of the Court's Individual Rules and Practices in Civil Cases.
15. The parties shall be ready for trial on to be determined. [*Absent exceptional circumstances, a date within two weeks following the Final Pretrial Order due date.*]
16. This case [] is not to be tried to a jury.
17. Counsel for the parties have conferred and their present best estimate of the length of trial is 3 to 5 days.
18. Other issues to be addressed at the Initial Pretrial Conference, including those set forth in Rule 26(f)(3) of the Federal Rules of Civil Procedure, are set forth below.
N/A

The next Case Management Conference is scheduled for _____ at _____.

This Order may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend the dates herein (except as provided in paragraph 6(f) and 7(d)) shall be made in a written application in accordance with Court's Individual Practices and shall be made no less than two (2) business days prior to the expiration of the date sought to be extended.

SO ORDERED.



JOHN P. CRONAN
United States District Judge

Dated: December 18, 2020

New York, New York